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STATE DOCUMENTS

STATE OF MONTANA

DEPARTMENT OF LABOR AND INDUSTRY

HELENA, MONTANA,

November 27 1964

TO:

HELENA, MONTANA, MONTANA

The Honorable Tim Babcock
Governor of Montana
State Capitol Building
Helena, Montana

Sir:

Persuant to Section 41-1607, Revised Codes of Montana, 1947.

I am herewith transmitting the annual report of the Department of
Labor & Industry.

Very truly yours

J. Maurice Jones
J. Maurice Jones
Commissioner

JMJ/h

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DEPARTMENT OF LABOR & INDUSTRY 1964 ANNUAL REPORT

Biennial Budget \$71,638.00 Budget per year \$36,824.00

PERSONNEL

Commissioner, Director of Apprenticeship, Fieldman & Secretary.

Number - wage claims submitted by employees.....147

Number - wage claims carried over from 62-63.....25

Total wage claims investigated.....172

Total in dollars claimed by employees.....\$39,281

Number of wage claims settled.....71
(6 were carried over from 62-63)

Total in dollars of wage claims settled.....\$4,913

Number of wage claims referred to County Attorneys.....3

" " " " " " Justice of Peaces.....5

" " " " " " U. S. Dept. of Labor..3

Number of wage claims where no action was taken.....17
(these claims amounted to \$4,943.10 and there were
no basis for the above claims to be filed)

Claims investigated where claimant had moved out of state
or employee could not be located after claim had been filed,
or the statute of limitations had taken effect.....20

Number of wage claims still pending.....63

Total in dollars of pending claims.....\$16,778

Number of miles traveled investigating claims.....21,000

Number of age certificates issued to minors.....1,188

Number of Labor Law Books Issued by request.....239

Number of accidents to minors reported from
this office to the U. S. Dept. of Labor.....943*

* These accident reports are forwarded from the Industrial
Accident Board.

In May 1964, the Commissioner attended the regional conference of western state labor officials. Ten states were represented. Topics discussed were child labor, wage payment and collection, safety, workmens compensation insurance, labor law enforcement and minimum wage laws. One needs to attend such a meeting once to realize how inadequate Montana's labor laws are.

Prior to 1951, the Department of Labor & Industry was a division of the department of agriculture, labor & industry. The 1949 legislative assembly enacted chapter 6, sessions laws, approved February 3, 1949, submitted and adopted at the general election of November 7, 1950, and became effective by virtue of the governor's proclamation December 6, 1949. The 1951 session enacted Chapter 177, session laws, separating the department of labor and industry from the department of agriculture.

The enactment of chapter 160, Montana session laws 1963, approved March 5, 1963, made the Montana Apprenticeship Council a division of the department of labor and industry.

CONTROLLING STATUTES

SECTION 3-1503. The commissioner shall have the power to administer oaths, to examine witnesses under oath, to take depositions or cause to be taken, to deputize any male citizen over the age of twenty one years to serve subpoenas upon witnesses, and to issue subpoenas for the attendance of witnesses before him in the same manner as for attendance before district courts. The commissioner shall likewise have the authority to inspect any mine, factory, workshop, smelter, mill warehouse, elevator, foundry, machine shop or other industrial establishment, and any person who shall when requested by the commissioner, wilfully neglect or refuse to furnish him any statistics or other information which may be in the possession or under the control of such person, or who shall refuse to obey any subpoena issued by the commissioner, shall be deemed guilty of a misdemeanor and punished accordingly.

SECTION 41-1201. The governor of the state of Montana shall appoint an apprenticeship council, which shall be part of the department of labor and industry****

SECTION 41-1603. The term of office of the commissioner of labor and industry shall be four years and until his successor is appointed and qualified, and shall terminate March 4, 1965. The Commissioner shall receive an annual salary of not more than seven thousand five hundred dollars. Before entering on duties of his office, he must take and subscribe to the oath of office prescribed by the Constitution and execute an official bond in the amount of one thousand dollars.

SECTION 41-1604. To organize the Department, subject to the approval of the Governor, in the manner which he deems necessary properly to segregate and conduct the work of the department.

SECTION 41-1605. To enforce all the laws of Montana relating to hours of labor, conditions of labor, prosecution of employers who default in the payment of wages, protection of employees, all laws relating to child labor, regulating the employment of children in any manner, and to administer the laws of the state relating to free employment offices.

SECTION 41-1608. To collect, assort, arrange, systemize and present in an annual report to the Governor, on or before the first day of December of each year, statistical details relating to the department in the State of Montana. The annual reports are to be combined and published biennially.

SECTION 92-104. There is hereby created a Industrial Accident Board to consist of three members. The Commissioner of labor and industry shall be one member..***

The supplementary section, section 3-1509, to section 3-1503 was overlooked by the 1951 legislative assembly when it separated the department from the department of agriculture, labor and industry. Section 3-1503 does not have much force without section 3-1509.

Section 41-1605, page 4, cannot, has not and never will be carried out to any reasonable extent by the department of labor and industry. The reason is inadequate laws. It is discouraging and exasperating to endeavor to carry out the intent of the law to find it impossible to do so. This has caused the office to slide to a position of mediocrity.

The legal advisers are, the attorney general and county attorneys. The labor laws seem to be permissive and it is not incumbent on them to cooperate to any great extent with the Commissioner. To alleviate this a lawyer should be retained by the department.

Labor laws were primarily enacted for the wage earner and Montana has 185,000 non-agricultural, working men and women. (How many agricultural workers there are is not known). A revision of the state's labor laws would benefit many in this segment of our society. Under present law men and women who have turned to the department for help go away dissatisfied and are convinced they have been discriminated against.

The fault lies with past legislative assemblies. It seems incredible that the 1951 session did not investigate more thoroughly, the statutes governing the office, when it separated the department from the department of agriculture, labor & industry. An examination of reports, for years back, would have shown that former commissioners have suggested revisions to the labor laws but nothing has been done.

It is suggested that revisions should be enacted concerning section 4, article XVIII, Montana Constitution, the child labor laws, title 10, prevailing wage law, the arbitration and conciliation law, the wage payment laws, the private employment agency laws, the wage broker laws, title 41, the labor and loggers lien laws, title 45, and the laws relative to justice of peace courts as small claims courts, title 93.

The commissioner is furnished a car to travel the state. It has traveled over 80,000 miles and should be replaced. He should not be required to operate his own because of the condition of some roads traveled. In the spring of the year, during the thaws, the back roads are rough and rutted but trips have to be made in performing the duties of the office. It would be a losing operation to operate a privately owned car.

The 1963 legislature appropriated \$1,500 for the purchase of a car. This was not done. Instead a new motor was installed at the cost of \$384.00, on the advice of the purchasing department. It was paid for out of the operating fund. However, a typewriter, adding machine and air conditioner were purchased and paid for from the fund appropriated for the car.

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